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DONN K. HARMS



3651  
#4  
Election  
3-17-03

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: WOODS

EXAMINER: Valenza, Joseph E.

Filed: 10/15/2001

Group Art Unit: 3651

Serial Number: 09/978,338

For: Self Propelled Backfilling Apparatus

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

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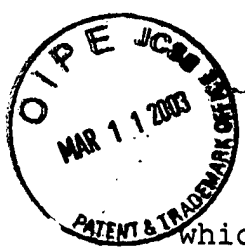
**ELECTION**

Sir:

In response to the Examiner's restriction requirement in the Examiner's office action of 02/24/03 with regard to the above referenced application,

The Examiner has requested election and restriction between patently distinct species in either figures 1, 3, or 6.

Applicant requests the Examiner to review the drawings again as figure 3 is simply a side view of figures 1 and 6 showing the means for altering the center of gravity of the vehicle. Consequently figure 2 should be considered part of either chosen species since it is common to both.



Applicant hereby elects to prosecute the species of figure 6 which are contained in claims 1-22. Applicant hereby reserves the right to file a divisional application or take such other appropriate measures as he deems necessary to protect the inventions of figures 1 or 2. This election is made without traverse.

Should the Examiner have any other questions or concerns, Applicant's attorney would be happy to discuss it by telephone.

Respectfully submitted

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Date : March 4, 2004

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